IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 4118 of 2007(M)

PETITIONER:

BINU KUMAR, AGED 42 YEARS,
S/O. LATE V.G.THANKAPPAN NAIR, GOURI BHAVAN,
KAVARADI ROAD, PALKULANGARA, WORKING AS
SPORTS INSPECTOR, O/O. THE C.G.M.T.,
TRIVANDRUM.

BY ADV. SRI.G.D.PANICKER
SMT.JEENA JOSEPH

RESPONDENTS:
---

1. THE CHAIRMAN AND MANAING DIRECTOR,
BSNL, CORPORATE OFFICE, STATSMAN HOUSE,
NEW DELHI.

2. CHIEF GENERAL MANAGER,
TELECOM, BSNL, THIRUVANANTHAPURAM-33.

BY ADV. SRI.S.K.BALACHANDRAN, SC, BSNL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 4118 OF 2007

Dated this the 16th March, 2007.

JUDGMENT

The petitioner is working as Senior Telecom Office Assistant in the BSNL. This writ petition is filed seeking the following reliefs:-

> i) issue a writ of mandamus or any other writ or order directing the respondents to grant the benefit of past service rendered in Delhi Administration for computing 16 years service required for granting OTBP scale.
>
> ii) direct the respondents to grant all consequential monetary benefits within a time frame.
>
> iii) pass any other order or direction deemed fit and fair in the circumstance of the case."

2. This Court had occasion to consider whether the service rendered by the employees in the parent department could be treated as service for the purpose of reckoning seniority in the service. It was held that employees were not entitled to get the benefit of the service which they had rendered in the former department. But the above view did not hold the field, for long. This Court, in the light of the judgment of the Supreme Court in **Dwijen Chandra Sarkar and another v. Union of India and another** (AIR 1999 S.C.598), declared as per Ext. P2 that the past service in the parent department has to be counted for the limited

purpose of eligibility for determining the number of years of qualifying service for granting higher grade under the scheme for time bound promotion.

3. Counsel for the respondents would submit that the above decision of the Apex Court is not applicable to the facts of this case since the scheme formulated by the respondents is different and distinguishable.

4. I am not able to agree with the contention of the respondents. In the light of the decision of this Court as seen from Ext.P2 judgment applying the ratio of the judgment of the Hon'ble Supreme Court, the petitioner is entitled to succeed.

5. Writ petition is disposed of directing the respondents to grant the petitioner the benefit of past service rendered by him in Delhi Administration (parent department) for computing 16 years service required for granting one time bound promotion scale. This shall be done within three months from the date of receipt of a copy of the judgment. Monetary benefits consequent thereto shall be paid to the petitioner within the aforesaid time limit.

K.K.DENESAN
Judge

jj